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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,248	04/10/2006	Jonas Hermansson	PS03 0158US2	6562
7590 Brian E. Ledell Harrity Snyder LLP 11350 Random Hills Road Suite 600 Fairfax, VA 22030			EXAMINER HSIEH, PING Y	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 03/05/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/575,248	HERMANSSON, JONAS	
	Examiner	Art Unit	
	PING Y. HSIEH	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 1/15/09. These drawings are accepted.

Response to Amendment

2. In view of the amendment filed 1/15/09, the rejection under 35 U.S.C. 101 to claim 17 is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (U.S. PG-PUB NO. 2006/0250496) in view of Mergler (U.S. PG-PUB NO. 2003/0054864).

-Regarding claims 1 and 16, Shin et al. disclose a method of using multimedia messaging service (MMS) messages for notification of events in a

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portable communication device **(as disclosed in paragraphs 2-3)**, the method comprising: receiving, by a message handling unit of the portable communication device, at least one MMS message from a network **(data transceiver 100 downloads VOD contents through antenna (ANT) as disclosed in paragraphs 5 and 25)**, where the at least one MMS message includes at least two different types of media files and associated synchronization information **(VOD contents and IOD field as disclosed in fig. 2 and paragraphs 27-28)**; setting, by the message handling unit, the at least one MMS message as a notification of an event related to the portable communication device **(as disclosed in paragraph 27)**; storing, by the message handling unit, the at least one MMS message in a memory of the portable communication device **(memory space 120 as disclosed in fig. 1 and paragraph 26)**; retrieving, by the call handling unit, the stored at least one MMS message based on an occurrence of the event **(as disclosed in paragraphs 26-28 and 55)**; and synchronously presenting, via one or more presentation units of the portable communication device, the at least two different types of media files of the retrieved at least one MMS message, based on the associated synchronization information **(as disclosed in paragraphs 26-28, 32-34 and 55)**.

However, Shin et al. fail to specifically disclose detecting, by a call handling unit of the portable communication device, an occurrence of the event corresponding to the notification.

Mergler discloses microprocessor 18 of the telephone 10 detecting an incoming call (step 30) as shown in fig. 3 and further disclosed in paragraph 28.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the controller of Shin et al. to include the features of the microprocessor as disclosed by Mergler. One is motivated as such in order to provide specialized wireless telecommunication service to users.

-Regarding claims 2 and 9, the combination further discloses the event is an event of receiving a phone call **(Mergler, a call from “Mum” as disclosed in paragraph 27; Shin et al., paragraph 55).**

-Regarding claims 3 and 10, the combination further discloses one of the at least two different types of media files includes sound file to be presented via a speaker of the portable communication device **(Shin et al., paragraph 37).**

-Regarding claims 4 and 11, the combination further discloses another one of the at least two different types of media files includes an image file to be presented via a display of the portable communication device **(Shin et al., paragraphs 27 and 55).**

-Regarding claims 5 and 12, the combination further discloses another one of the at least two different types of media files includes an text file to be presented via a display of the portable communication device **(although the combination does not specifically disclose the multimedia message includes an text file, the examiner takes official notice that it was well known in the art and would have been obvious to one of ordinary skills in**

the art at the time of invention to have an text file in a multimedia message).

-Regarding claims 6 and 13, the combination further discloses setting the at least one MMS message comprises setting the at least one MMS message as the notification for all events of a certain type **(Mergler, a call from “Family” as disclosed in paragraph 25; Shin et al., paragraphs 2-3).**

-Regarding claims 7 and 14, the combination further discloses the setting the at least one MMS message comprises setting the at least one MMS message as the notification for select events of a certain type **(Mergler, a call from “Mum” as disclosed in paragraph 27; Shin et al., paragraphs 2-3).**

-Regarding claim 8, Shin et al. disclose a portable communication device for using multimedia messaging service (MMS) messages for notification of events occurring at the portable communication device **(as disclosed in paragraphs 2-3)**, comprising: an event handling unit **(controller 110, fig. 1)**; a message storage **(memory space 120, fig. 1)**; one or more presentation units **(displayer 150 and SP, fig. 1)**; a radio circuit **(data transceiver 100, fig. 1)**; and a message handling unit to receive, form a network via the radio circuit **(data transceiver 100 downloads VOD contents through antenna (ANT) as disclosed in paragraphs 5 and 25)**, at least one MMS message including at least two different types of media files and associated synchronization information **(VOD contents and IOD field as disclosed in fig. 2 and paragraphs 27-28)**, where the message handling unit is to set the at least one

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MMS message as a notification of an event handled by the event handling unit **(as disclosed in paragraph 27)** and store the at least one MMS message in the message storage **(memory space 120 as disclosed in fig. 1 and paragraph 26)**, and retrieve the stored MMS message from the message storage responsive to an occurrence of the event **(as disclosed in paragraphs 26-28 and 55)**, and direct the MMS message handling unit to direct the one or more presentation units to simultaneously present the at least two different types of media files of the retrieved at least one MMS message based on the associated synchronization **(as disclosed in paragraphs 26-28, 32-34 and 55)**. However, Shin et al. fail to specifically disclose the event handling unit is to detect an occurrence of the event corresponding to the notification

Mergler discloses microprocessor 18 of the telephone 10 detecting an incoming call (step 30) as shown in fig. 3 and further disclosed in paragraph 28.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the controller of Shin et al. to include the features of the microprocessor as disclosed by Mergler. One is motivated as such in order to provide specialized wireless telecommunication service to users.

-Regarding claim 15, the combination further discloses the portable communication device is a cellular phone **(Mergler, mobile telephone 10 as disclosed in paragraph 20)**.

-Regarding claim 17, Shin et al. disclose a system comprising:

means for receiving at least one multimedia messaging service (MMS) message from a network (**data transceiver 100 downloads VOD contents through antenna (ANT) as disclosed in paragraphs 5 and 25**), where the at least one MMS message includes at least two different types of media files and associated synchronization information (**VOD contents and IOD field as disclosed in fig. 2 and paragraphs 27-28**); means for providing a user an option to set the received at least one MMS message as a notification of a particular event (**as disclosed in paragraphs 30-34**); means for receiving, from the user, a selection responsive to the option provided to the user (**as disclosed in paragraphs 30-34**); means for setting, based on the selection, the MMS message as the notification of the particular event (**as disclosed in paragraphs 26-28 and 55**); means for storing the at least one MMS message (**memory space 120 as disclosed in fig. 1 and paragraph 26**); means for retrieving the stored at least one MMS message based on the detection of an occurrence of the particular event (**as disclosed in paragraphs 26-28 and 55**) and means for simultaneously presenting the at least two different types of media files of the retrieved MMS media message based on the associated synchronization information (**as disclosed in paragraphs 26-28, 32-34 and 55**). However, Shin et al. fail to disclose means for detecting an occurrence of the particular event corresponding to the notification.

Mergler discloses microprocessor 18 of the telephone 10 detecting an incoming call (step 30) as shown in fig. 3 and further disclosed in paragraph 28.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the controller of Shin et al. to include the features of the microprocessor as disclosed by Mergler. One is motivated as such in order to provide specialized wireless telecommunication service to users.

Response to Arguments

6. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PING Y. HSIEH whose telephone number is (571)270-

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3011. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lana N. Le can be reached on (571)272-7891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. Y. H./
Examiner, Art Unit 2618

/Lana N. Le/
Primary Examiner, Art Unit 2614